

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
AT RALEIGH**

**THE HONORABLE MALCOLM J. HOWARD
SENIOR UNITED STATES DISTRICT JUDGE PRESIDING**

FRIDAY, OCTOBER 8, 2010 @ 9:30 AM

COURT REPORTER: DONNA TOMAWSKI

OFFICERS PRESENT:

**JANET H. CALLIHAN, COURTROOM DEPUTY
COURT SECURITY OFFICERS (Rotation)**

THE CLERK CALLS THE CASE:

**FOR HEARING ON PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER**

**Nikki Iacono
in her individual capacity, and on
behalf of her mother child,
Plaintiff
and**

#5:10-CV-416-H

Ariana Iacono, Plaintiff

vs.

**Shelly Marsh,
Clint Eaves,
Andrea Andino,
Johnston County Board of Education,
Defendants**

Counsel present for Plaintiffs - Jonathan D. Sasser

Counsel present for Defendants - Neal Ramee and Robert Kennedy

Preliminary Statements by the Court

**Arguments for the record on behalf of the Plaintiffs
by Jonathan D. Sasser
9:35am - 9:53am**

**Arguments for the record on behalf of the Defendants
by Neal Ramee
9:53m - 10:40am**

**Recess - 10:40am
Reconvene - 10:50am**

**Rebuttle arguments by Plaintiff's counsel - Johnathan D. Sasser
10:50am - 10:54am**

**Cross Rebuttle arguments by Defendant's counsel - Neal Ramee
10:54am - 10:57am**

The Courts Oral Order - Rules as follows:

**The Court states findings on the record and GRANTS Plaintiff's Motion
for Temporary Restraining Order**

Ballots of hardship favor Plaintiff

**Rule 65 injunctions - Plaintiff shall post bond and this is a
constitutional issue in the sum of \$500.00 as security for costs and
damages. The parties consent to extend the 10 days to appear before
the court on this matter pursuant to Rule 65 and tentatively sets the
final TRO Hearing for the 3rd day of November, 2010 in Greenville (no
time set).**

Written Order to Follow by the court

Adjourn at 11:05am